CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA

JAN 2 6 2006

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

GEORGE DANIEL PALMER, Petitioner,	) Civil Action No. 7:05CV00677
v.	) <u>FINAL ORDER</u>
GENE M. JOHNSON, Respondent.	<ul><li>By: Samuel G. Wilson</li><li>United States District Judge</li></ul>

In accordance with the memorandum opinion entered this day, it is hereby

## ORDERED and ADJUDGED

that the respondent's motion to dismiss is GRANTED and Palmer's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED. This case shall be STRICKEN from the active docket of the court.

Palmer is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and to counsel of record for the respondent

ENTER: This 26 May of January, 2006.

UNIPED STATES DISTRICT JUDGE